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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,166	04/02/2004	Reg MacQuarrie	US 1376/04	7852

7590 06/05/2006

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Alexandria, VA 22312

EXAMINER
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DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Applicati n N .</b>	<b>Applicant(s)</b>	
	10/816,166	MACQUARRIE, REG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lorna M. Douyon	1751	

**-- The MAILING DATE f this communicati n appears on th cover sheet with the c rrespondenc address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Pri rity under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/22/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 112***

1. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite because the carbohydrate based hydrocolloids in the Markush group read on the recited celluloses. Claims in which the recited components of a Markush group may read upon one another do not meet the requirements of 35 U.S.C. 112, second paragraph; that is, the members of a Markush group must be mutually exclusive, see *Ex parte Clark*, 174 USPQ 40 (BPAI 1971). In addition, the terms “ethyl cellulose” in line 5 and “polyethelene oxide” in line 6 are not understood.

Claim 7 lacks support for “polypropylene glycol” (see line 1) with respect to claim 5 which recites “propylene glycol”.

Claims 2-6 and 8, being dependent (directly or indirectly) upon claim 1, are rejected as well.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kaufmann et al. (US Patent No. 4,626,372), hereinafter “Kaufmann”.

Art Unit: 1751

Kaufmann teaches a film containing approximately 66% polyvinyl alcohol, 28% polyethylene glycol (a plasticizer) and 6% water (see Examples 1-5, col. 4, lines 49-56).

The term “up to” includes 0 as the lower limit, see *In re Mochel*, 470 F 2d 638, 176 USPQ CPA 1974), hence, Kaufmann need not teach the presence of surfactant in the composition.

Kaufmann teaches the limitations of the instant claim. Hence, Kaufmann anticipates the claim.

4. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Richardson et al. (US Patent No. 4,115,292), hereinafter “Richardson”.

Richardson teaches a water-soluble film packet which comprises 48.7 wt% polyvinyl alcohol water-soluble resin, 48.7 wt% Novo SP72-Tergitol (nonionic surfactant) (1:9 weight ratio), 2.6 wt% water and about 10% to about 30% by weight of plasticizers like glycerol (see Example 1, lines 16-52, 66-68). Excellent performance is obtained when polyvinyl alcohol water-soluble, film-forming resin is replaced by polyethylene oxide (see col. 18, lines 54-60). Other water-soluble film-forming resins include carboxymethylcellulose, polyacrylic acid salts, alginates and hydroxyethyl methylcellulose (see col. 2, lines 43-60). Richardson teaches the limitations of the instant claims. Hence, Richardson anticipates the claims.

5. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (GB 899,100).

Anderson teaches a solid cleansing composition in the form of flexible, self-supporting film which can be cut to any desired shape or size (see page 1, lines 47-54) wherein the film is prepared from a mixture formed of 33 parts to 67 parts by weight of hydroxyethyl cellulose of a

Art Unit: 1751

water-soluble alkali metal or ammonium salt of carboxymethyl cellulose together with 25 parts to 55 parts of a suitable organic detergent and plasticizer (see page 1, line 77 to page 2, line 2). The water content of the composition is 5 to 10% (page 4, lines 82-84; claim 3). Examples of organic detergents include sodium laurate, sodium palmitate, sodium oleate (which are soaps) and sodium lauryl sulphate (see page 2, lines 44-58). Nonionic and cationic detergents can be employed in combination with the anionic surface-active detergents (see page 2, lines 74-90). Examples of plasticizer include glycerol (or glycerine) and propylene glycol (see page 2, lines 91-101). In Example 1, Anderson teaches a film prepared from a composition comprising 9.6 grams sodium carboxy methyl cellulose, 100.0 grams water, 10.0 grams sodium lauryl sulphate and 1.5 grams glycerine, which composition was heated to evaporate about 95 per cent of the water from the film (see page 5, lines 1-6). Anderson teaches the limitations of the instant claims. Hence, Anderson anticipates the claims.

### ***Conclusion***

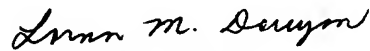
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered cumulative to or less material than those discussed above.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

Art Unit: 1751

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Lorna M. Douyon  
Primary Examiner  
Art Unit 1751